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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,655	12/10/2001	Marvin R. Hamrick	BS99-092-CON	2330
39262	7590	11/02/2006	EXAMINER	
MERCHANT & GOULD BELLSOUTH CORPORATION			TO, TUAN C	
P.O. BOX 2903				
MINNEAPOLIS, MN 55402			ART UNIT	PAPER NUMBER
			3663	

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/006,655

Applicant(s)

HAMRICK ET AL.

Examiner

Tuan C. To

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 May 2006 and 15 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 52-54, 57, 58 and 92-98 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 52-54, 57, 58, 92, 96 and 97 is/are rejected.
- 7) ☒ Claim(s) 93-95, and 98 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/24/04, 8/12/05, 12/16/06, 3/16/06, 5/8/06, 10/14/06</u> | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 52-54, 57, 92, 96, and 97 are rejected under 35 U.S.C. 102 (b) as being anticipated by Camhi (US 5825283A).

Regarding claim 52, the U.S. reference to Camhi has been provided as teaching a typical monitoring system for motor vehicle to monitor information of a vehicle traveling to plural different predetermined destinations within a region, comprising: a location determining means (14) for receiving vehicle location information through the use of GPS (Camhi, column 12, lines 55-65; column 20, lines 6-11), a processor (12) (Camhi, column 12, lines 66, and 67; column 13, lines 1-3) is coupled to the location determining means (14) for collecting vehicle location. The processor (12) compares the vehicle's actual measured location with the stored location (Camhi, column 13, lines 5-11) and notes an exception by a warning or alert if the subject is out of a predefined boundary which is

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related to safety or security. It is important to note here the processor (12) is configured to monitor the vehicle location with geographic boundaries and alert an individual so that a corrective action may be taken (Camhi, column 19, lines 3-13). Therefore, at least one geographic boundary from among the geographic boundaries inherently encompasses a plurality of different predetermined destinations, and therefore when an individual or a vehicle is traveling out of the predefined geographic boundary, an exception is noted. In addition, Camhi further teaches a wireless communication unit (40), responsive to the processor (12), and transmits the collected vehicle location as said above to a remotely location (Camhi, figure 3; column 19, lines 3-13) so as to process occurrences of the exception and report the exception occurring for the vehicle during a predetermined time.

Regarding claims 53 and 97, as discussed herein above, Camhi teaches a receiver (14) for receiving vehicle information including the location of the vehicle, and a processor (12) in communication with said receiver. The processor (12) is coupled to said receiver to collect the vehicle location and compares said received vehicle location with a certain region restricted from entry by the vehicle (Camhi, column 19, lines 65-67 through column 20, lines 1-11; column 19, lines 3-13). The vehicle operator is alert when he or she travels out of boundaries (Camhi, column 19, lines 3-13). Camhi further includes a wireless communication unit (40), responsive to the processor (12), and transmits the collected vehicle location as said above to a remotely location (Camhi, figure 3; column 19, lines 3-13) so as to process occurrences of the

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exception and report the exception occurring for the vehicle during a predetermined time.

Regarding claims 54, 92, and 96, as listed above, the reference to Camhi teaches a receiver, a processor coupled with said receiver. Camhi additionally teaches that the predefined parameter includes a predetermined speed for that vehicle and that the exception is noted when the vehicle traveling at a speed greater than the predetermined speed for that vehicle (Camhi, column 14, lines 43-52; column 15, lines 35-43, the speed of the subject vehicle is compared with the predefined values of speed and notes the vehicle user is noted if the user is speed)

Regarding claim 57, Camhi further teaches an ignition sensor for detecting engine on/off (Camhi, column 16, line 45; column 17, line 17).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claim 58 is rejected under 35 U.S.C. 103(a) as being unpatentable over Westerlage (US 5987377) and in view of Camhi (US 5825283A).

As discussed in the previous rejection, the reference to Westerlage teaches the limitation of claim 58 except for the following: a wireless communication unit transmitting the collected vehicle information to a central location for processing and reporting any exception.

The reference to Camhi is provided to overcome the missing features from the Westerlage reference by teaching a typical vehicle monitoring system comprising the communication device (40) that transmits the collected vehicle location as said above to a remotely location (Camhi, figure 3; column 19, lines 3-13) so as to process occurrences of the exception and report the exception occurring for the vehicle during a predetermined time.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system as taught by Westerlage to

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include the wireless communication device of Camhi so that a control station can control and guide a fleet of vehicles after a reporting signal received from the vehicles.

### **Allowable Subject Matter**

Claims 93-95, and 98 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

In response to the applicant's amendment to claims 52-54, 57, 58, 92, 96, and 97 on 08/15/2006, the previous art rejection has been withdrawn. However, the application cannot be placed in a condition of allowance because the new cited reference to Camhi has been found reads on the limitations of said claims. The reference to Westerlage is still applied to claim 58 because Westerlage teaches a vehicle monitoring system comprising a receiver (80) for receiving vehicle location information (Westerlage, column 10, lines 51-58); and a processor (100) (Westerlage, figure 5) in communication with the receiver, the processor programmed to determine the length of time the vehicle remains stationary, compare the length of time the vehicle remains stationary to a predetermined stationary time, and if the length of time the vehicle remains stationary is greater than or equal to the predetermined stationary time, then note an exception (see Westerlage, Figure 5; column 8, lines 46-65). Camhi fails to teach a wireless communication unit transmitting the collected vehicle information to a central location for processing and reporting any exception. The

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second reference to Camhi has been provided to cue the deficiency of Westerlage. In Camhi, as interpreting above, the wireless communication unit (40), responsive to the processor (12), and then transmits the collected vehicle location as said above to a remotely location (Camhi, figure 3; column 19, lines 3-13) so as to process occurrences of the exception and report the exception occurring for the vehicle during a predetermined time.

For that reasons, the application is now set in a condition of final rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.



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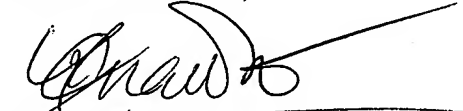
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (571) 272-6985. The examiner can normally be reached on from 8:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner,

A handwritten signature in black ink, appearing to read 'Tuan C To', is written over a horizontal line.

Tuan C To

October 28, 2006